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ABSTRACT

The governing boards discussed in this paper are those that have full and sole authority to govern each and all the institutions under its jurisdiction. They generally consist of a group of laymen appointed by the governor and confirmed by the senate. There are 14 states in which such a board is statewide, in the sense that it governs all state colleges and universities in the state with the exception generally of the junior colleges and 2-year vocational schools. These states are: South Dakota, Florida, Iowa, Montana, Idaho, Kansas, North Dakota, Oregon, Georgia, Mississippi, Rhode Island, Arizona, Utah, and West Virginia. Fourteen other states: California, New York, Illinois, Tennessee, Wisconsin, Louisiana, Alabama, Texas, Vermont, Connecticut, Colorado, Minnesota, Oklahoma and Massachusetts have centralized subsystems within the state, each under a single governing board whose jurisdiction is confined to its own cluster of institutions. Since junior colleges in most states continue to be based on local taxing districts from which they derive part of their tax support, in addition to getting substantial aid funds from the state, they cannot be said to constitute a totally centralized subsystem. (AF)

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Circa 2,000 words

BOARDS GOVERNING TWO OR MORE STATE INSTITUTIONS OF HIGHER EDUCATION[1]

The governing board of a public college or university is, with rare exceptions, a public corporation-- the statutory phraseology is often "body politic and corporate." It is charged by law with plenary power to control the institution in all aspects of its operation (not merely financial aspects, as many who should know better erroneously believe or assert).

The governing board can and does habitually delegate very large parts of its authority to manage the institution to the president, the faculty members, students, and other persons. It reserves to itself the duty of approving or vetoing all exercises of the authority delegated; and the duty of enacting broad general policies of governance.

In the apt words of a sage observer nearly a century ago, the board functions largely as an "inspecting and consenting" body. It can not, however, abdicate its plenary powers, but must retain the right to act directly on its own initiative in any and all matters when it deems this necessary in the public interest. Another way to put this is to say it can always withdraw authority which it has delegated, when it has evidence

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1 Based on the author's current book, Higher Education in the Fifty States. Danville, Illinois: The Interstate Printers and Publishers, Inc., 1970. Approx. 600 pp.

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that this authority is being misused or used not in the optimum interest of the institution and the public.

The foregoing solid facts are too generally misunderstood, ignored, or confused.

There are approximately fourteen of the fifty states in which one governing board governs all the state's colleges and universities, varying in number from three, as in Nevada or Rhode Island, to nearly thirty, as in Georgia. In these fourteen states all other state college and university governing boards have been abolished (or reduced to mere "advisory" status). The one central board has all the usual powers of a governing board. It has full and sole authority to govern each and all the institutions under its jurisdiction, no matter how numerous they may be.

Not to Be Confused with "Coordinating Boards"

Nearly twice as many states have statewide "coordinating boards" for public higher education (twenty-six). These are not governing boards. They do not supplant any existing governing boards. They are merely advisory in about one-third of the 26 states, and in others where they have some statutory coercive powers, this authority is strictly limited to what the statute specifies, and is always subject to reversal by the legislature.

Having distinguished a governing board from a "coordinating board", put the latter aside and consider the composition of governing boards in control of two or more institutions. In accord with American custom, which has early roots in Europe, university and college governing boards in this country are composed of laymen-- that is, not faculty members,

but members of other occupations or professions who form a "bridge" between the academic community and the general public.

There are occasional exceptions wherein one or two faculty members sit as non-voting members of the board. Recently in a few instances a student has been added. In a few instances the president of the institution is automatically chairman of the board, with a vote in case of a tie. These exceptions are practically non-existent among boards governing two or more universities or colleges. Virtually all of them adhere closely to the conventional pattern of a board of laymen appointed by the governor and confirmed by the senate. Their chief executive officer, variously called "chancellor", "executive secretary", or "commissioner", is not a member or chairman of the board, but its executive agent.

The fourteen states in which such a board is "statewide" in the sense that it governs all state colleges and universities in the state (though usually not the junior colleges and two-year vocational technical schools) are, in the order in which the present general plan was adopted, South Dakota, Florida, Iowa, Montana, Idaho, Kansas, North Dakota, Oregon, Georgia, Mississippi, Rhode Island, Arizona, Utah, and West Virginia. The spread in time is from 1896 (South Dakota) to 1969 (Utah and West Virginia). It is noteworthy that all these 14 states except Florida and Georgia are distinctly small in population (less than 3 million people). Florida has become the ninth most populous state among the fifty, with more than 6 million people in 1968; but the present general pattern for the governance of higher education was first adopted in 1906, when its population was less than one-tenth of what it is today. Georgia,

with 4-1/2 million people, is the only other state among the 14 which has as many as 3 million. Five of them have fewer than one million people each (South Dakota, Montana, Idaho, North Dakota, Rhode Island).[2]

The standing of this pattern of governance is somewhat modified by the fact that it took 75 years to get it extended to 14 states, almost all of which are of relatively small population.

Centralized Subsystems Within States

A different sector of the scene must not be omitted. There is another group of fourteen states, some being among the most populous, having from two to five "subsystems", each under a single governing board whose jurisdiction is confined to its own cluster of institutions and is not statewide in the sense of covering all state universities and colleges. None of these states has a statewide governing board in that sense, though most of them have a statewide coordinating board, council, or commission.

Examples: three subsystems in California-- the Board of Regents of the University of California (nine far-flung campuses), the Board of Trustees of the State Colleges (nineteen campuses), and the Board of Governors for Junior Colleges (80-odd campuses). There are two huge centralized subsystems in New York-- the Board of Trustees of the State University

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2 New Hampshire and Maine are not in the list of 14, because although both recently placed a number of small state colleges under the jurisdiction of the reconstituted board of trustees of the state university, in both states one or more state institutions of education beyond high school remain outside this jurisdiction. From another viewpoint these two states are properly classifiable as "states having only one state university and its branch or branches". Each has fewer than one million people.

has jurisdiction over sixty campuses, of which about half are local public state-aided junior colleges; the entirely separate Board of Higher Education of the City of New York governs the thirteen-campus City University of New York.

Other states have one (or sometimes two) major state universities which have developed subsystems of professional campuses, regional campuses, urban campuses, or other branch units, so that the university is not a single campus, but a statewide subsystem. Illinois has two of these: the University of Illinois and Southern Illinois University, each with its own Board of Trustees; the other institutions being grouped in three other subsystems-- the "regency universities" (now numbering three) under the governance of the Board of Regents; five institutions under the Board of Governors of State Colleges and Universities; and some thirty-odd state-aided community colleges headed at the state level by the Community College Board.

Texas has four subsystems: The University of Texas System, the Texas A & M University System, the system of senior colleges, and the system of junior colleges. Wisconsin has three, plus a pigmy one: the Regents of the University of Wisconsin; the Regents of Wisconsin State Universities (nine former state colleges); the State Board for Vocational, Technical, and Adult Education; and the board for county teachers colleges (expected to disappear after 1971, but having previously demonstrated great tenacity of life).

Tennessee has two subsystems: the Trustees of the University of Tennessee System, and the State Board of Education, governing six regional state universities and also heading a rapidly-growing system of state junior colleges.

The "subsystems" scheme for state colleges and regional state universities derives largely from earlier years when the normal schools or teachers colleges, numerous in many states, were regarded as appendages of the state department of public instruction, and were often governed by the state board of education. Many of these institutions have long since become state colleges or regional state universities. In three of the fourteen states just named they continue to be governed by the State Board of Education: Louisiana, Tennessee, and Alabama (in Alabama four of them were removed from the State Board of Education and given separate institutional governing boards in 1967, leaving two under the State Board).

In the eleven other states they have been placed under a single state college board, usually called Trustees of State Colleges. In New York they are under the Trustees of the State University of New York. In Texas, their single governing board is styled "Board of Regents, State Senior Colleges". Three of the seven institutions under its jurisdiction were removed and given separate institutional governing boards by the legislature of 1969. In Wisconsin, the former Regents of State Teachers Colleges are now named "Regents of State Universities", quite distinct, of course, from the Regents of the University of Wisconsin.

The remaining six states of this group of fourteen have single state college boards governing clusters of former normal schools and teachers colleges: Vermont (3 state colleges plus one state technical college), Connecticut (4 state colleges), Colorado (5), Minnesota (6),

Oklahoma (7), and Massachusetts (10).

State Junior College Boards

In the interest of accuracy it should be noted that wherever a state junior college board appears in the sketch of any of the twenty-eight states mentioned, such a board is properly regarded as heading a "segment" of the statewide system, but not as a single governing board, except, for example, in Minnesota, where the eighteen junior colleges have become state institutions, governed and supported by taxation only from the state level, and no longer based on local taxing districts.

Generally the junior colleges in other states (except Washington, Colorado, Massachusetts, Connecticut, Rhode Island, Kentucky, Tennessee, Virginia, and Alabama) continue to be based on local taxing districts from which they derive part of their tax support, but also get substantial aid funds from the state. As long as they retain local governing boards having substantial powers, they can not be said to constitute a totally centralized subsystem. The tendency is, however, for them to receive gradually increased state support and control. In one instance (Virginia), the State Board for Community Colleges created by the legislature of 1966, reports to no other educational agency (though it is enjoined to cooperate with them and is nominally subject to the ministrations of the State Council of Higher Education, a coordinating body), was given such broad powers that it is actually a power-clothed governing board for the whole system. It appoints a nine-member advisory board for each community college. Local governmental subdivisions (cities, counties)

are expected to supply the initiative in requesting the establishment of such a college, and furnish land and utilities for the site. The state finances all buildings and equipment, and pays all operating expenses except those derived from student fees, which are to be kept low.

The State Board for Community Colleges has large authority over the establishment, location, financing, and operation of existing and future two-year colleges. Styled the Department of Community Colleges of the Commonwealth, the Board and its director and staff apparently constitute the most independent and powerful set-up of its kind to be found in any state.

One gathers that in the recent establishment of statewide junior college boards in several states there is considerable ambivalency and confusion as to whether this agency is a governing board or only has the duties commonly assigned to a "coordinating board". The thrust toward statewide centralization and uniformity in junior college control is strong, but its wisdom educationally is highly questionable.

One basic question underlies the whole complex of the governance of public institutions of higher education. Sho ld every university, college, and junior college have its own separate governing board? Or should each institution be merely a "campus"-- a unit within a statewide system or subsystem governed by a single central board?

In my judgment a separate governing board for each institution has always been the desirable structure, and is all the more important now that there is an incipient tendency to reform governing boards by placing on them some members who are students or young alumni, some women, some

members of minority races, and generally increasing their first-hand familiarity with what goes on in the minds of people concerned with the institution the board governs.

When an institutional governing board maintains communication with its students, its faculty, and its other constituencies, and enlists them in a species of limited partnership for the building of ongoing consensuses as to the future-- this is the best approach to the high morale under which intellectual endeavor flourishes, and the maximum educational value is obtained from each dollar invested in higher education.

I speak here of governing boards; not of coordinating boards, which are for another story.